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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,702	06/04/2001	Jong-Cheol Bae	678-670(P9675)	4963
66547 7590 08/15/2007 THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553			EXAMINER DEAN, RAYMOND S	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 08/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/873,702

Applicant(s)

BAE, JONG-CHEOL

Examiner

Raymond S. Dean

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Appeal Brief filed April 19, 2007 with respect to the rejection(s) of claim(s) 1 – 8 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art Salmi (US 6,947,396).

Examiner is reopening prosecution because the prior art of record, Gaskill, does not teach the claimed "header indicating the type of the broadcasting information in a format ...". Examiner, however, continues to disagree with Applicants on the issue of the limitation "converting the broadcast information to a predetermined message code according to type and contents of the broadcasting information". Applicants assert on Page 6, 3<sup>rd</sup> Paragraph of the Appeal Brief dated April 19, 2007 "Therefore, it is the Examiners position that by knowing that the broadcast information is sports information would mean that the scores ...". The Applicants' independent claim limitations are broad and do not render, for example, "scores of the game" or "forecast". The limitations are just "type and contents of the broadcasting information" which reads on any teaching of a broadcasting or messaging system that provides a message type. The message type, as has been asserted and detailed by Examiner previously, is an indication of the content. If a user receives a message code that indicates sports

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information the user then knows that the content that said user will receive is sports content.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 – 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jung et al. (6,097,949) in view of Salmi (US 6,947,396)

Regarding Claim 1, Jung teaches a method of transmitting broadcasting information to a mobile station by utilizing a cell broadcasting service (CBS) (Column 2 lines 23 - 37), and transmitting the generated message by utilizing the CBS (Column 2 lines 23 – 37).

Jung does not specifically teach a method comprising: converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information; generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information; and wherein the converted predetermined message code includes a code that is

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predetermined for at least one word for indicating the contents of the broadcasting information.

Salmi teaches a method comprising: converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information (Cols. 13 lines 60 – 64, 14 lines 15 – 21) and generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information (Figure 3b, Cols. 11 lines 25 – 26, 13 lines 60 – 64, 14 lines 15 – 21); and wherein the converted predetermined message code includes a code that is predetermined for at least one word for indicating the contents of the broadcasting information (Col. 14 lines 15 – 21, binary coding comprises code words).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the CBS system of Jung with short message service method of Salmi for the purpose of controlling the reception of undesirable messages thus conserving battery power as taught by Salmi.

Regarding Claim 2, Jung in view of Salmi teaches all of the claimed limitations recited in Claim 1. Salmi further teaches wherein if the broadcasting information is weather information, the predetermined message code includes an area code, a date code, a time code, and a weather code (Cols. 10 lines 21 – 25, 14 lines 15 – 21, typical local weather information comprises area, date, time, and weather thus the code will comprise an area code, date code, time code, and weather code).

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Regarding Claim 3, Jung teaches a method of receiving broadcasting information in a mobile station by utilizing a cell broadcasting service (CBS) (Column 2 lines 23 - 37) and recovering broadcasting information by comparing a message code of the CBS message with a predetermined code (Figure 3, Column 3 lines 1 – 20, Column 3 lines 26 – 42).

Jung does not specifically teach a method comprising: checking a header of a CBS message upon receipt of the CBS message; and a code that corresponds to type and contents indicated by the header of the CBS message, if the header indicates there is a coded message.

Salmi teaches a method comprising: checking a header of a broadcast message upon receipt of the broadcast message (Figure 3b, Cols. 11 lines 25 – 26, 13 lines 60 – 64, 14 lines 15 – 21) and a code corresponding to type and contents indicated by the header of the broadcast message, if the header indicates there is a coded message (Figure 3b, Cols. 11 lines 25 – 26, 13 lines 60 – 64, 14 lines 15 – 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the CBS system of Jung with short message service method of Salmi for the purpose of controlling the reception of undesirable messages thus conserving battery power as taught by Salmi.

Regarding Claim 4, Jung in view of Salmi teaches all of the claimed limitations recited in Claim 3. Salmi further teaches wherein if the broadcasting information is weather information, the message code includes an area code, a date code, a time code, and a weather code (Cols. 10 lines 21 – 25, 14 lines 15 – 21, typical local weather

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information comprises area, date, time, and weather thus the code will comprise an area code, date code, time code, and weather code).

Regarding Claim 5, Jung teaches a method of transmitting and receiving broadcasting information by a cell broadcasting service (CBS) in a mobile telecommunication system (Column 2 lines 23 - 37) and recovering broadcasting information by comparing a message code of the CBS message with a predetermined code (Figure 3, Column 3 lines 1 – 20, Column 3 lines 26 – 42).

Jung does not specifically teach converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information; generating a message having a header indicating the type of the broadcasting information and the predetermined message code in a format predetermined depending on the type of the broadcasting information; transmitting the generated message by utilizing the CBS; receiving the CBS message; checking the header of the CBS message upon receipt of the CBS message in a mobile station; and a code corresponding to the type and contents indicated by the header of the CBS message, if the header indicates there is a coded message.

Salmi teaches a method comprising: converting broadcasting information to a predetermined message code according to type and contents of the broadcasting information (Cols. 13 lines 60 – 64, 14 lines 15 – 21) and generating a message having the converted predetermined message code and a header indicating the type of the broadcasting information in a format predetermined depending on the type of the broadcasting information (Figure 3b, Cols. 11 lines 25 – 26, 13 lines 60 – 64, 14 lines 15

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– 21); and wherein the converted predetermined message code includes a code that is predetermined for at least one word for indicating the contents of the broadcasting information (Col. 14 lines 15 – 21, binary coding comprises code words); transmitting the generated message by utilizing the broadcast (Col. 14 lines 15 – 21); receiving the broadcast message; checking the header of the broadcast message upon receipt of the broadcast message in a mobile station (Figure 3b, Cols. 11 lines 25 – 26, 13 lines 60 – 64, 14 lines 15 – 21); and a code corresponding to the type and contents indicated by the header of the broadcast message, if the header indicates there is a coded message (Figure 3b, Cols. 11 lines 25 – 26, 13 lines 60 – 64, 14 lines 15 – 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the CBS system of Jung with short message service method of Salmi for the purpose of controlling the reception of undesirable messages thus conserving battery power as taught by Salmi.

Regarding Claim 6, Jung in view of Salmi teaches all of the claimed limitations recited in Claim 5. Salmi further teaches wherein if the broadcasting information is weather information, the message code includes an area code, a date code, a time code, and a weather code (Cols. 10 lines 21 – 25, 14 lines 15 – 21, typical local weather information comprises area, date, time, and weather thus the code will comprise an area code, date code, time code, and weather code).

Regarding Claim 7, Jung in view of Salmi teaches all of the claimed limitations recited in Claim 6. Jung further teaches determining if a display state is active, and displaying the CBS message if the display state is active (Column 3 lines 26 – 42, the



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display state will become active for those mobile devices in Group A thus there is a determination of said display state).

Regarding Claim 8, Jung in view of Salmi teaches all of the claimed limitations recited in Claim 6. Jung further teaches determining if a display state is active, and storing the CBS message if the display state is not active (Column 3 lines 26 – 46, the display state will not become active for those mobile devices in Group B thus there is a determination of said display state, since this is a CBS message all mobile devices will simultaneously receive and store said message).

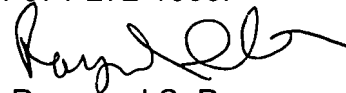
### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S. Dean whose telephone number is 571-272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

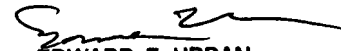
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Raymond S. Dean  
August 6, 2007



EDWARD F. URBAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600